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| 10/018,421      | 12/13/2001  | Klaus POTTHOFF       | INTSER P26AUS       | 1175             |

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| EXAMINER |
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REDMAN, JERRY E

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| ART UNIT | PAPER NUMBER |
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3634

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/018,421

Applicant(s)

POTTHOFF, KLAUS

Examiner

Jerry Redman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other:  |

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The applicants proposed changes to the specification in paper #5 titled first preliminary amendment have not been entered. The applicant has failed to provide the proper paperwork which the office was unable to enter. The new claims (claims 14-26) have been entered and claims 1-13 have been cancelled via the amendment of paper #5.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if

the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The drawings are objected to because it appears that Figure 6 is incomplete and not readily understood by the Examiner. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claims 14-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is a lack of antecedent basis for the following: In claim 14, line 2, "the ground", line 4, "the cylinder", line 6, "the force", line 7, "the force", line 8, "the overpressure" and "the liquid", line 9, "the discharge process", line 10, "the passage", line 11, "the start", "the reduction", and "the overpressure", line 12, "the second", lines 12-13, "the third axle"; In claim 15, line 3, "the opening movement"; In claim 16, line 2, "the ground", line 4, "the ground", line 6, "the bottoms", line 7, "the bottoms", line 8, "the unit"; In claim 17, line 2, "the bottom", line 3, "the inner side" and "the bottom", line 4, "the upper side" and "said bottom", lines 5-6, "the upper/interior box", line 6, "said upper side"; In claim 18, line 3, "the opening", line 4, "the right angle"; In claim 19, line 2, "the second existing stake", line 3, "the pressure indicator unit", line 4, "the interior box", line 5, "the primary compression cycle", line 6, "the entire operative cycle", line 8, "the closing spring"; In claim 20, lines 1-2, "the duct branch", line 2, "the duct branch", line 3, "the pressure side"; In claim 21, lines 1-2, "the entire pressure

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generating unit", line 2, "the enclosure", line 3, "the pressure generating unit", lines 5-6, "the exterior rigid metal box", line 7, "the ground"; In claim 22, line 1, "the movable box", line 2, "the rigid box", lines 3-4, "the interior box", line 4, "the ramp", line 5, "the loose box", line 6, "the same point", "the direction", and "the other end", line 7, "the ramp", lines 7-8, "the loose box", line 8, "the ramp" and "the ground"; In claim 23, line 1, "the pressure generating unit", lines 2-3, "the operative pressure", line 5, "the pressure generating unit" and "the interior box", lines 5-6, "the restoring springs", line 6, "the pressure meters" and "the check valves"; In claim 24, line 3, "the piston stem", line 4, "the basic pressure", "the accumulator", and "the force", line 5, "the piston stem", "the basic pressure", and "the accumulator"; In claim 25, line 3, "the negative side", line 4, "the accumulator", line 6, "the piston", line 7, "the area difference" and "the closing", line 8, "the force"; In claim 26, line 3, "the choking", line 4, "the accumulator", line 5, "the choking" (both occurrences), line 8, "the hydraulic medium" and "the positive side", line 9, "the accumulator", line 10, "the negative side", line 12, "the operative cycle", and line 13, "the overpressure" and "the excess liquid". In claim 14, line 1, the phraseology "or" and "or the like" is indefinite and fails to positively recite the claimed invention. In claim 14, line 4, the phraseology "or the like" is indefinite and fails to positively recite the claimed invention. In claim 14, line 4, is "a gate" the same gate as recited in line 1 of claim 14? In claim 1, line 10, the phraseology "e.g." is indefinite and fails to positively recite the claimed invention. In claim 16, line 2, the phraseology "and/or", both occurrences, is indefinite and fails to positively recite the claimed invention. In claim 16, line 4, the phraseology "or the like" is indefinite and fails to positively recite the claimed

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invention. In claim 16, line 6, the phraseology "or" is indefinite and fails to positively recite the claimed invention. In claim 16, line 8, the phraseology "e.g." is indefinite and fails to positively recite the claimed invention. In claim 17, line 5, the phraseology "e.g." is indefinite and fails to positively recite the claimed invention. In claim 18, line 2, the phraseology "which is its turn is" is not readily understood by the Examiner. In claim 18, line 2, the phraseology "e.g." is indefinite and fails to positively recite the claimed invention. In claim 18, line 8, the phraseology "is shaped like a boomerang" is not readily understood by the Examiner. In claim 18, line 8, specifically what does "it" refer to? In claim 19, line 2, the phraseology "or" is indefinite and fails to positively recite the claimed invention. In claim 19, line 3, the phraseology "e.g." is indefinite and fails to positively recite the claimed invention. In claim 19, line 3, is "a car" the same car as recited in the previously dependent claims? Claim 20, in its entirety, is not readily understood by the Examiner. In claim 21, line 5, the phraseology "and/or" is indefinite and fails to positively recite the claimed invention. In claim 21, line 8, the phraseology "or the like" is indefinite and fails to positively recite the claimed invention. In claim 22, lines 2 and 3, the phraseology "or" is indefinite and fails to positively recite the claimed invention. In claim 22, line 3, the phraseology "and/or" is indefinite and fails to positively recite the claimed invention. In claim 22, line 5, which box does the applicant refer to when reciting "the box"? In claim 23, line 5, is "a car" the same car as previously claimed? In claim 23, line 8, the phraseology "or the like" is indefinite and fails to positively recite the claimed invention. In claim 24, line 2, is "a check valve" the same check valve as previously claimed? In claim 24, lines 3-4, which cylinder does "the

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cylinder" refer to? In claim 25, line 2, which valve does "the valve" refer to? In claim 25, line 3, which check valve does "the check valve" refer to? In claim 25, lines 4, 6, and 7, which cylinder does "the cylinder" refer to? In claim 26, line 2, which cylinder does "the cylinder" refer to? In claim 26, line 2, is "a car" the same car as previously recited? In claim 26, line 2, which check valve does "the check valve" refer to? In claim 26, lines 7, 8, 9, and 12, which cylinder does "the cylinder" refer to? In claim 26, lines 11 and 13, which valve does "the valve" refer to?

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –


(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

As best understood, claims 14-26 are further rejected under 35 U.S.C. 102(b) as being anticipated by French patent to Courrier Jean Paul. Courrier Jean Paul discloses an apparatus having a pressure generating unit which operates a closure upon a car applying pressure on a device which forces the closure to an opened position. Courrier Jean Paul further discloses an overflow tank and check valves which allows the gate to operate in an efficient manner.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patents to Dickinson and Renner et al. disclose elements similar to that of the applicant's invention.

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Any inquiry concerning this communication should be directed to Jerry Redman  
at telephone number 703-308-2120.



**Jerry Redman**  
**Primary Examiner**